THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 19939 of 2006

Dated: 29-11-2006

Between:

S.Santhosh Rohan

..... PETITIONER

AND

Regional Passport Officer,
Passport Office,
Government of India,
Ministry of External Affairs,
Secunderabad.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 19939 of 2006

O R D E R:

This writ petition is filed aggrieved by the alleged in action on the part of the respondent-Regional Passport Officer in considering the request of the petitioner for correction of entries relating to date of birth and place of birth in his passport bearing No.A-2871678.

In the affidavit filed in support of the writ petition, it is stated that while he was 8 years old, a passport was granted in his favour on 21-03-1997, however, by mistake certain wrong entries were made with regard to both date of birth and place of birth. Having realized the same, the petitioner made an application on 12-09-2006 for correction of the same. However, the respondent failed to consider the same. Hence, this writ petition.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

> (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
>
> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
>
> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal

> authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** [1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth and place of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of granting liberty to the petitioner to make a fresh application along with the supporting material to evidence the correct date and place of birth within a period of four weeks from the date of receipt of a copy of this order. If any such application is made, the respondent shall consider the same in terms of the circular dated 18.04.2001 and pass appropriate orders in accordance with law within a period of four weeks thereafter. No costs.

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G. ROHINI, J

Dated: 29-11-2006

Note: Issue C.C. in one week

B/o

KLP

[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.